

amended complaint stating a First Amendment retaliation claim against these defendants.

The motion is GRANTED with respect to all of Plaintiff's other claims, namely, those based on (1) procedural due process, *see Stephens v. Kerrigan*, 122 F.3d 171, 180 (3d Cir. 1997) ("while an employee may have a legitimate claim of entitlement to his or her place on a promotion eligibility list that would give rise to a right to procedural due process, the employee does not have a 'substantive right' in the position itself if the promotion does not automatically follow from the employee's placement on the list"); (2) equal protection, *see Hill v. Borough of Kutztown*, 455 F.3d 225, 239 (3d Cir. 2006) (requiring plaintiff to allege "at the very least" that defendant had "no rational basis" for intentionally treating plaintiff "differently from others similarly situated"); (3) political affiliation discrimination or retaliation, *see the Parties' Stipulation* (Doc. No. 17-2); (4) 42 U.S.C. §1985, *see the Parties' Stipulation* (Doc. No. 17-2); and (5) punitive damages against Defendant Plum Borough, *see Pl.'s Resp.* (Doc. No. 10) at 7; as well as (6) any state-law based claims, *see Def.'s Reply* (Doc. No. 11) at 5 n.5. These claims are DISMISSED WITH PREJUDICE. Any amended complaint filed by Plaintiff in this action shall reflect the dismissal of these claims.

BY THE COURT:

s/ *Thomas M. Hardiman*

Thomas M. Hardiman
United States District Judge